certiorari petition should be denied. *See Bunting v. Mellen*, 541 U.S. 1019, 124 S.Ct. 1750, 1751-52 (2004) (Stevens, J.) (denying certiorari petition partially based on mootness); *City News & Novelty, Inc. v. City of Waukesha*, 531 U.S. 278, 284 (2001) (dismissing writ of certiorari because of a change of circumstances after granting petition).

CONCLUSION

The petition for a writ of certiorari should be denied.

Dated: March 3, 2006

Respectfully submitted,

BILL LOCKYER
Attorney General of the State of California
TOM GREENE
Chief Assistant Attorney General
MANUEL M. MEDEIROS
State Solicitor General
MARK J. BRECKLER
Senior Assistant Attorney General
DANETTE E. VALDEZ
Supervising Deputy Attorney General
ROBERT W. BYRNE*
ANNADEL A. ALMENDRAS
MYUNG J. PARK
SONG J. HILL
Deputy Attorneys General
**Counsel of Record*
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5860
Fax: (415) 703-5480
E-mail: Robert.Byrne@doj.ca.gov
Counsel for Respondent